

COMMON COUNCIL



Rouss City Hall
15 North Cameron Street
Winchester, VA 22601
540-667-1815
TDD 540-722-0782
www.ci.winchester.va.us

I, Kari J. Van Diest, Deputy Clerk of the Common Council, hereby certify on this 12th day of August, 2013, that the following Ordinance is a true and exact copy of one and the same adopted by the Common Council of the City of Winchester, assembled in special session on the 16th day of July 2013.

AN ORDINANCE TO AMEND AND RE-ADOPT SECTIONS 26-33, 14-26, AND 14-27 OF THE CITY CODE REGARDING VEHICULAR TRAFFIC DURING SPECIFIED HOURS AND UNDER OTHER LIMITED CONDITIONS ON THE LOUDOUN STREET WALKING MALL

WHEREAS, the Loudoun Street Walking Mall is a business corridor primarily designed to accommodate pedestrian retail and restaurant business traffic on Loudoun Street from Piccadilly Street to Cork Street; and

WHEREAS, Sections 14-26 and 14-27 of the City Code contain general traffic restrictions for one-way traffic and speed limits in the City; and,

WHEREAS, the City has recently made significant investment in revitalization efforts on the Loudoun Street Mall including but limited to resurfacing, re-designing, and the installation of public amenities such as a splash pad and self-cleaning public restrooms; and,

WHEREAS, it is the belief of Common Council that adjusting the limitations on vehicular traffic on the Loudoun Street Mall will promote safety; reduce wear and damage on the mall; and general benefit the interests of the downtown merchants and the citizens of the City of Winchester; and

NOW, THEREFORE BE IT ORDAINED that Sections 26-33, 14-26, and 14-27 of the Winchester City Code are hereby amended and re-enacted to read as follows:

SECTION 26-33

(a) The Loudoun Street Mall shall extend one-way south, between Piccadilly Street and Boscawen Street and Boscawen Street and Cork Street, and it shall be unlawful for any person to operate, drive, ride, push or park any vehicle thereon. The operation and use of bicycles, skateboards, scooters, and roller skates, to include in-line skates, is prohibited. This subsection shall not apply to:

1. Motor vehicles, other than tractor-trailers, having a gross weight of less than twenty-four thousand (24,000) pounds and using the Mall between the hours of ~~6:00~~**7:30** A.M. and

~~11:00~~**10:30** A.M. ~~and 4:00 P.M. and 6:00 P.M.~~ of any day for commercial pickup, commercial delivery, and utility or maintenance services.

2. Passenger vehicles crossing the mall in westerly direction between the alley on the north side of the Presbyterian Church and Winchester Parking Authority Lot No. 8 for the purpose of discharging and receiving passengers from the Presbyterian Church pre-school.

(b) The chief of police or his designee may issue a special use permit for vehicles using the Loudoun Street Mall for funerals, Sunday morning church services, weddings, other special events, construction, city maintenance and repair work.

(c) No vehicles permitted to use the Loudoun Street Mall shall be driven or operated at a speed in excess of ten (10) miles per hour, and all such vehicles shall be driven or operated one-way south, except as provided in (a)(2), above.

(d) A violation of this section through the use of a motor vehicle shall constitute a ~~Class 4 Misdemeanor~~ **traffic infraction**. A violation of this section through the use of a bicycle, a skateboard, a scooter, or roller skates (to include in-line skates) shall be punishable as a civil penalty in an amount not to exceed \$50.
(Ord. No. 2011-09, 5-10-11)

SECTION 14-26. ONE-WAY STREETS.

(a) The following streets are hereby established and designates as one way streets and, except as otherwise here in provided, it shall be unlawful for any vehicles to be driven or moved on such streets in a direction other than as herein set forth:

1. *Baker Street*, from West Lane to Kent Street, westbound.
2. *Boscawen Street*, between Indian Alley and Cameron Street, eastbound.
3. *Cameron Street*, from Oates Avenue to North Loudoun Street, northbound.
- 4-a. *Charles Street*, from Smithfield Avenue to Fairview Avenue, eastbound.
- 4-b. *Church Alley*, between Braddock Street and Indian Alley, westbound.
- 4-c. *Gerrard Street*, between Kent Street and Millwood Avenue, westbound.
5. *Gibbens Street*, from Loudoun Street to Cameron Street, eastbound.
6. *Handley Avenue*, from Handley Boulevard to Briarmont Street, northbound.
- 6-a. *Highland Avenue*, From Liberty Street to National Avenue, southbound.

6-b. *Fairfax Lane*, from Fairmont Avenue to North Braddock Street; eastbound; and from North Cameron Street to East Lane, eastbound.

6-c. *Fairfax Alley*, between North Cameron and North Kent Streets, westbound.

6-d. *Fairview Avenue*, from National Avenue to Virginia Avenue, northbound.

6-e. *Franklin Street*, from Pine Street to Elm Street, eastbound.

7. *Indian Alley*, from Clifford Street to Fairfax Lane, northbound.

7-a. *Joist Hite Place*, from Academy Street to Lee Street, eastbound.

8. *Latane Street*, from Cork Street to Joist Hite Place, northbound.

8-a. *Lee Street*, from Joist Hite Place to Cork Street, southbound.

8-b. *Loudoun Street*, from Piccadilly Street to Cork Street, southbound.

9. *Morgan Street*, from Amherst Street to Piccadilly Street, northbound.

9-a. *Opequon Avenue*, between Cork and Leicester Street, southbound.

10. *Piccadilly Street*, from Morgan Street to Fairmont Avenue, eastbound.

11. *Shawnee Avenue*, from Cork Street to Leicester Street, southbound.

12. *Shenandoah Avenue*, between Pall Mall Street and Cork Street, northbound.

13. *Shirley Street*, from Joist Hite Place to Cork Street, southbound.

14. *Southwerk Street*, from Valley Avenue to South Loudoun Street, eastbound.

15. *Valley Avenue*, from Braddock Street to Gerrard Street, eastbound.

(b) The public works director is authorized and directed to provide such signs on the one-way streets designated in this section as well apprise an ordinarily observant person of such one-way streets. This section shall become effective as to any such one-way street when signs have been provided therefor as set out herein.

(Ord. N. 041-93, 11-09-93)

(c) When it can be demonstrated to the satisfaction of the Chief of Police or his duly authorized representative that the strict enforcement of this section will cause an unreasonable hardship on some particular person relative to the loading or unloading of trucks or other vehicles on one-way streets, then in such event the Chief of Police, or his duly authorized representative, is authorized to issue a special permit to such person permitting a variance from the provisions of this section. Any such special permit shall be in writing and shall specify the nature of such variance and the place and period of time when such variance shall be permitted. Such permit

shall only be issued when it can be demonstrated to the Chief of Police, or his duly authorized representative, that the granting of such permit will alleviate a clearly demonstrable hardship, as distinguished from a special privilege or convenience to the person who seeks such permit. (Code 1959, §§15-92, 15-93; Ord. of 7-13-76; Ord. of 10-11-77).

SECTION 14-27. SPECIAL SPEED LIMITS ON CERTAIN STREETS.

(a) Upon the following streets and highways within the City, between the points hereinafter indicated, the indicated maximum speed limit is hereby established, and no person shall drive a vehicle between such points in excess of such maximum speed limit:

1. Ten (10) miles per hour on the following streets and highways:

a. Loudoun Street from Piccadilly Street to Cork Street.

2. Fifteen (15) miles per hour on the following streets and highways:

a. All streets and highways within the Jim Barnett Recreation Park Area.

b. *Jolley Lane*, from East Lane to Lincoln Street.

c. *Glaize Avenue* from South Loudoun to its endpoint.

3. Twenty-five (25) miles per hour on the following streets and highways:

a. *Amherst Street*, from Wood Avenue to Boscawen Street.

b. *Berryville Avenue*, from Dunlap Street to National Avenue.

c. *Braddock Street*, from Piccadilly to Gerrard Street.

d. *Cameron Street*, from Millwood Avenue to the north corporate limits of the City.

e. *Cork Street*, from the east corporate limits to the City to East Lane.

f. *Fox Drive*, from the corporate limits of the City to its intersection with Amherst Street.

g. *Fairmont Avenue*, from the north corporate limits of the City to Piccadilly Street.

h. *Featherbed Lane*, from Pleasant Valley Road to its intersection with Loudoun Street.

i. *Jubal Early Drive*, the portion west of Valley Avenue to its intersection with Meadow Branch Avenue.

- j. *Loudoun Street*, from its intersection with North Cameron Street to Montague Avenue.
 - k. *Merrimans Lane*, from Amherst Street to the City Limits.
 - l. *Millwood Avenue*, from the CSX Railroad crossing to Cameron Street.
 - m. *Papermill Road*, from Pleasant Valley Road to the east corporate limits of the City.
 - n. *Valley Avenue*, from Gerrard Street to Jubal Early Drive.
4. Thirty-five (35) miles per hour on the following streets and highways:
- a. *Amherst Street*, from Wood Avenue to the west corporate limits of the City.
 - b. *Apple Blossom Drive*, from Millwood Avenue to the entrance of Apple Blossom Mall.
 - c. *Battaile Drive*, from the western intersection with Shawnee Drive to the eastern intersection with Shawnee Drive.
 - d. *Berryville Avenue*, from Dunlap Street to the east corporate limits of the City.
 - e. *Cedar Creek Grade*, from Valley Avenue to the west corporate limits of the City.
 - f. *Jubal Early Drive*, from Millwood Avenue to Pleasant Valley Road.
 - g. *Jubal Early Drive*, from South Loudoun Street to Valley Avenue.
 - h. *Millwood Avenue*, from the CSX Railroad tracks to the east corporate limits of the City.
 - i. *Middle Road*, from Valley Avenue to the west corporate limits of the City.
 - j. *Papermill Road*, from its intersection with Weems Lane to Pleasant Valley Road.
 - k. *Pleasant Valley Road*, from Millwood Avenue to Papermill Road.
 - l. *Shawnee Drive*, from Papermill Road to the south corporate limits of the City.
 - m. *Valley Avenue*, from Jubal Early Drive to the south corporate limits of the City.
 - n. *Weems Lane*, from Papermill Road to Valley Avenue.
5. Forty (40) miles per hour on the following streets and highways:
- a. *Jubal Early Drive*, from Pleasant Valley Road to South Loudoun Street.

b. *Pleasant Valley Road*, from Berryville Avenue to Millwood Avenue.

(b) The foregoing special speed limitations for the areas hereinbefore set out have been fixed by the council by reason of congestion, curves, right angle turns, or other dangerous points on the streets and highways within such areas, or by reason of the lack of such conditions on the streets and highways within such areas, as the case may be, and the council hereby declares that the foregoing special speed limits for such areas are based upon engineering and traffic investigation of such areas.

(c) The public works director is hereby authorized and directed to cause such signs to be erected on streets and highways otherwise marked so as to clearly indicate the speed limits fixed in subsection (a) of this section. After such signs have been erected, or the streets otherwise marked, it shall be unlawful for any person to exceed the limits set out herein.

(d) In every charge of violations of any provision of this section, the complaint, and also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the speed limits applicable within the district or at the location. (Code 1959, §§15-30, 15-63; Ords. of 3-09-71; 4-11-72; 9-01-72; 2-11-75; 3-09-76; Ord. No. 010-84, 5-15-84; Ord. No. 008-86, 6-10-86; Ord. No. 009-90, 3-13-90; Ord. No. 051-91, 12-10-91; Ord. No. 009-92, 6-09-92; Ord. No. 006-93, 2-09-93; Ord. No. 041-93, 11-09-93; Ord. No. 034-96, 12-10-96; Ord. No. 002-97, 01-14-97; Ord. No. 018-2003, 5-13-03; Ord. No. 036-2003, 11-11-03; Ord. No. 001-2004, 1-13-04; Ord. No. 041-2004, 9-14-04; Ord. No. 003-2006, 1-10-06; Ord. No. 14-2006, 4-11-06; Ord. No. 2011-31, 8-9-11; Ord. No. 2011-21, 10-11-11)

State Law Reference—Authority of city to alter speed limits established by state law, Code of Virginia, §46.2-1300.

Ordinance No. 2013-20

ADOPTED by the Common Council of the City of Winchester on the 16th of July, 2013.

Witness my hand and the seal of the City of Winchester, Virginia.

*Kari J. Van Diest, CMC
Deputy Clerk of the Common Council*